

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:04CR3106
)	
Plaintiff,)	
vs.)	
)	ORDER
CARLOS CABRALES,)	
)	
Defendant.)	

IT IS ORDERED that:

1. The motion to file late objection to revised presentence investigation report (filing 43) is granted.
2. The objection to the revised presentence report (filing 44) (asserting the propriety of departure or variance due to the defendant's wife's cancer and the absence of caretakers able to look after the defendant's 5 children), treated also as an objection to the Court's tentative findings, will be resolved at sentencing.
3. The Court suggests to the government that it investigate and be able to report to the court on the following questions: (1) How serious is the defendant's wife's cancer, and what is her prognosis? (2) Whether there would be caretakers able to look after the defendant's children should the defendant be imprisoned and the wife be unable to care for the children?
4. The undersigned gives notice that he does not interpret paragraph 3(d) of the plea agreement to require the undersigned to treat the defendant as eligible for the safety-valve. The Court notes that the defendant stands in criminal history category II under the advisory Guidelines. If

the parties think the plea agreement requires otherwise, they should advise the undersigned at sentencing.

July 5, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge